

Table 9
Investigative Reports by Probation Officers
Fiscal Years 1998 and 1999

Type of Investigation	1998	1999	Percent Change
Total	186,776	192,904	3.3
Presentence Report*	57,794	61,207	5.9
Collateral Report for Another District	39,461	43,088	9.2
Pretransfer	5,773	4,750	-17.7
Alleged Violation	29,701	28,349	-4.6
Pre-Release for a Federal Institution	20,524	22,251	8.4
Special Regarding a Prisoner in Confinement	6,686	4,982	-25.5
Furlough/Work-Release			
Report for Bureau of Prisons Institutions	5,463	5,336	-2.3
Supervision Report	20,355	22,225	9.2
Parole Revocation	1,019	716	-29.7

*Presentence report includes postsentence-for-institution investigations.

Supplemental Table S-15 shows that the number of alcohol- and drug-dependent offenders rose 4 percent in 1999 to 25,154. The number of drug-dependent offenders increased 7 percent to 23,298; the number of alcohol-dependent offenders declined 21 percent to 1,856.

Pretrial Services

In 1999, the number of defendants in cases activated in the pretrial services system increased 2 percent (up 1,551) to 80,154.

This growth was consistent with the growth in criminal filings in the district courts. Because pretrial services officers (PSOs) collected, verified, and reported information on more defendants, the number of interviews, bail hearings, pretrial reports, defendants supervised, and defendants detained also rose. Judicial officers use the reports to decide whether to release or detain defendants and to determine the least restrictive release conditions that offer reasonable assurance that defendants will honor future court commitments and will not endanger the community.

In 1999, the PSOs interviewed 59,542 defendants (up 1 percent) and prepared

76,657 pretrial reports (up 1 percent). Prebail reports constituted 92 percent of the pretrial reports prepared. The remaining reports were provided to the courts for other hearings in which pretrial services release was at issue, including hearings held for conviction and sentencing. Table 10 presents data on pretrial services cases and reports for this year.

The rise in cases activated also increased the work of judicial officers as bail review hearings grew 18 percent to 22,267, violation hearings grew 10 percent to 3,718, and detention hearings grew 3 percent to 39,698. In 1999, the number of defendants detained rose 2 percent to 29,338; detention was ordered for 74 percent of defendants who had detention hearings. Overall, the courts detained 37 percent of activated defendants, the same percentage as in 1998. Risk of flight was the primary reason cited for 91 percent of defendants detained, one percentage point more than in 1998.

In 1999, the number of defendants released increased 1 percent to 36,213. Of those released, 30,652 defendants (85 percent) were placed into the custody of PSOs, and 32,846 defendants (91 percent) were released with restrictive conditions. For persons under supervision, the PSOs

monitored compliance with the release conditions set by the courts, provided necessary support services, and informed the courts and U.S. attorneys of all apparent violations of release conditions.

The most frequently ordered restrictive conditions involved substance abuse testing and treatment and were imposed on 22 percent (17,564) of activated defendants, one percentage point more than last year. House arrest and electronic monitoring, which are less expensive alternatives to detention, were other restrictive conditions ordered for 7 percent (5,436) of activated defendants, one percentage point more than last year. A defendant in the house arrest program must remain in his or her residence between specific hours. To ensure that this requirement is honored, some defendants must wear ankle bracelets that are electronically monitored by a monitoring center. If a defendant violates the confinement condition, the center is notified automatically, and its staff in turn notifies the supervising officers.

Pretrial diversion is another program intended to preserve prosecutorial and judicial resources for more serious criminal matters. Diversion is a period of supervision proposed by the U.S. attorney and agreed to

Five-Year Review of Pretrial Services Activity

Over the past five years, case activations in pretrial services rose 34 percent. Since 1995, the number of pretrial reports prepared jumped 33 percent, the number of persons interviewed climbed 24 percent, and the number of defendants released on supervision grew 31 percent.

Table 10
Summary of Pretrial Cases
Fiscal Years 1998 and 1999

	1998	1999	Percent Change
Pretrial Cases Activated	78,603	80,154	2.0
Pretrial Diversion Cases Activated	2,968	2,716	-8.5
Released on Supervision	29,974	30,652	2.3
Type of Report			
Prebail	69,844	70,819	1.4
Postbail	4,424	4,175	-5.6
Other	1,492	1,663	11.5
No Report	2,843	3,497	23.0

by the defendant as an alternative to prosecution of criminal charges in federal court. In 1999, the number of defendants placed in the pretrial diversion program fell 8 percent to 2,716; this represented approximately 3 percent of activated cases in 1999, one percentage point less than in 1998.

Pretrial services statistics appear in the H series of the appendix tables.

Complaints Against Judicial Officers

Pursuant to 28 U.S.C. 372(c), any person alleging that a circuit judge, a district judge, a

bankruptcy judge, or a magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such an officer cannot discharge all the duties of the office because of physical or mental disability, may file a complaint with the clerk of the court of appeals for that circuit or for the applicable national court.

The number of judicial complaints filed in 1999 fell 24 percent to 781. This decrease marked the first time in four years that the number of complaints filed fell below the total for the previous year. In 1998, however, complaint filings grew 52 percent as a result of the use of relatively new Internet and fax-on-demand services, which made information on procedures for filing complaints more widely accessible. The number of

complaints filed in 1999 was 15 percent greater than the number filed in 1997. Table 11 summarizes judicial complaints activity from 1997 through 1999.

A single complaint may involve multiple allegations against numerous judicial officers. This year, the allegations cited most often were prejudice/bias, abuse of judicial power, and "other." More than one-half of all complaints filed originated in the Second, Fifth, and Ninth Circuits.

During 1999, a total of 826 complaints were terminated. This figure was 18 percent below the total for 1998, but 69 percent

greater than the total for 1997. Chief judges terminated 406 of these complaints. Seventy-four percent of the complaints terminated by chief judges were found to be outside the jurisdiction of 28 U.S.C. 372(c) because they were directly related to the merits of the decisions or procedural rulings rendered by the judges named in the complaints. Judicial councils terminated the remaining 420 complaints, 416 on petitions for review and 4 after a report by a special investigative committee appointed pursuant to Section 372(c)(4); all were dismissed or withdrawn without any action taken.

Table 11
Judicial Complaints Filed, Concluded, and Pending

	1997*	1998*	1999
Filed	680	1,033	781
Concluded	489	1,007	826
By Chief Judges	274	747	406
Dismissed	266	739	393
Corrective Action Taken	2	3	11
Withdrawn	6	5	2
By Judicial Councils	215	260	420
After Review of Chief Judge's Dismissal ¹			
Dismissed	213	256	414
Withdrawn	—	—	2
Action Taken	—	—	—
Referred to Judicial Conference	—	—	—
After Report by Investigative Committee			
Dismissed	1	2	2
Withdrawn	—	—	2
Action Taken	1	2	—
Referred to Judicial Conference	—	—	—
Pending	202	228	183

¹Petition for review of a chief judge's dismissal of a complaint.

*Revised.

Because the number of complaint terminations outnumbered the number of complaint filings, the number of pending judicial complaints decreased 20 percent to 183.

Status of Article III Judgeships

On September 30, 1999, a total of 24 vacancies existed among the 179 judgeships authorized for the U.S. courts of appeals, an increase of 7 vacancies from the previous year's total and the same number as two

years ago. One of those vacancies was in a position created on December 1, 1990, by the Federal Judgeship Act of 1990. That vacancy, along with 11 others, has existed for more than 18 months. Table 12 provides information on the status of judgeship positions since 1995.

On September 30, 1999, in the U.S. district courts, 38 vacancies existed among the 646 positions authorized, a drop of 17 vacancies from the total reported one year earlier. This is the lowest number of vacancies since the Federal Judgeship Act of 1990 was enacted in December 1990. Of these vacancies, 17 have existed for at least 18 months; a total of 24 positions had been vacant that long as of September 30, 1998.

Table 12
Status of Judgeship Positions
1995 Through 1999¹

Year	U.S. Courts of Appeals ²			U.S. District Courts		
	Authorized Judgeships	Vacancies	Senior Judges ³	Authorized Judgeships	Vacancies	Senior Judges ⁴
1995	179	11	81	649	46	255
1996	179	18	82	647	44	274
1997	179	24	87	647	69	278
1998	179	17	86	646	55	276
1999	179	24	86	646	38	273

¹ Data are as of September 30.

² Positions in the Court of Appeals for the Federal Circuit are included.

³ Sitting senior judges who participated in appeals dispositions.

⁴ Senior judges with staff.

Table 13
Status of Bankruptcy Judgeship Positions

Year	Authorized Judgeships	Vacancies	Recalled Judges
1995	326	11	23
1996	326	13	23
1997	326	13	22
1998	326	11	25
1999	326	20	29

In addition to active judges, 86 senior appellate judges were serving the judiciary on September 30, 1999, the same number as one year ago. In the U.S. district courts, the number of senior judges totaled 273, three fewer than on September 30, 1998. The number of senior district judges has remained stable for several years, ranging between 273 and 278 since September 30, 1996.

Status of Bankruptcy Judge Appointments

On September 30, 1999, a total of 326 bankruptcy judgeships were authorized and funded. Of that number, 306 bankruptcy judgeships were filled and 20 were vacant. In addition to these positions, 29 recalled bankruptcy judges were providing service to the judiciary on September 30, 1999. Table 13 summarizes the status of bankruptcy

judgeship positions through September 30, 1999.

Appointments of Magistrate Judges

During fiscal year 1999, a total of 47 full-time magistrate judges were appointed, 22 of them by reappointment. Of the 25 new appointments, 8 were for new positions. During the same period, 22 individuals were appointed to part-time magistrate judge positions, 20 of them by reappointment.

In 1999, the average age of new appointees to full-time magistrate judge positions was 46; the average age of new appointees to part-time magistrate judge positions was 49. New full-time appointees had been members of the bar for an average of 19 years at the time of appointment; part-time magistrate judges averaged 24 years of bar membership. Of the new full-time

Table 14
U.S. Magistrate Judge Positions
Authorized by the Judicial Conference
1995 Through 1999

	Year	Total	Full- Time	Part- Time	Combi- nation
1995	Spring	498	413	82	3
	Fall	497	416	78	3
1996	Spring	496	416	77	3
	Fall	502	422	77	3
1997	Spring	508	429	76	3
	Fall	510	432	75	3
1998	Spring	510	436	71	3
	Fall	512	440	69	3
1999	Spring	518	447	68	3
	Fall	519	454	62	3

magistrate judges, 10 had been in private practice, 7 had been assistant U.S. attorneys, and 2 had been state superior court judges. Other new appointees included a part-time U.S. magistrate judge, a state district judge, a federal public defender, an assistant federal public defender, a law clerk, and a deputy commissioner.

Through its September 1999 session, the Judicial Conference authorized 454 full-time magistrate judge positions, 62 part-time positions, and 3 combination clerk/magistrate judge positions. This year, 24 retired magistrate judges served on a recall basis pursuant to 28 U.S.C. 636(h). Table 14 provides a summary of the number of magistrate judge positions authorized by the Judicial Conference since 1995.

U.S. Court of International Trade

The jurisdiction of the U.S. Court of International Trade extends throughout the United States. The majority of the cases this court hears address the classification and valuation of imported merchandise, customs duties, and alleged unfair import practices by trading partners. For 1999, the U.S. Court of International Trade reported 6,433 cases filed, an increase of 80 percent over 1998. In the past five years, the number of filings has grown by 4,890 cases from the 1,543 cases filed in 1995. Filings have soared because of new cases seeking refunds after the U.S. Supreme Court ruled in *United States Shoe Corp. v. the United States* that the Harbor

Maintenance Tax was unconstitutional.

New filings outnumbered terminations, causing pending cases to rise 1 percent to 9,725 cases on September 30, 1999. Terminations grew substantially from 936 to 6,343, a 578 percent increase due to the settlement of the Harbor Maintenance Tax cases. Appendix Table G-1 provides a summary of cases filed and terminated during 1998 and 1999.

U.S. Court of Federal Claims

During 1999, overall filings in the U.S. Court of Federal Claims declined 5 percent from 1,105 to 1,049. The most significant decreases were a 74 percent drop in filings involving property taken without compensation (down 137 cases), which had jumped 64 percent in 1998 in response to federal restrictions on sales of cigarettes to minors through vending machines, and a 68 percent reduction in filings involving taxes (down 214 cases), which had grown 19 percent in 1998. These reductions more than offset a rise in filings of vaccine injury compensation petitions from 124 to 412, which increased because claimants faced an expiring statutory deadline for filing actions related to three types of vaccines. Case terminations decreased 13 percent to 1,025, while the pending caseload grew less than 1 percent to total 2,895 on September 30, 1999.

For actions terminated in 1999, judgments rendered for claimants totaled \$1.8 billion, of which \$454.1 million carried interest. This high amount rendered for plaintiffs stemmed largely from judgments in actions involving savings and loan institutions, of which one resulted in an initial damages phase award of \$908 million, and another produced an award of \$22 million.

Judgments rendered for the United States on counterclaims or offsets totaled \$8.1 million, most of which was awarded in four contract cases. In nonmonetary actions under its jurisdiction, the court disposed of 51 contract cases seeking injunctive or declaratory relief, an increase of 38 percent. This rise was attributed to counselors' increasingly electing to use the U.S. Court of Federal Claims to resolve procurement cases in which disappointed bidders for federal contracts file post-contract-award actions. In 1997, Congress expanded the court's jurisdiction to cover such cases, which previously were reviewed only in the U.S. district courts.



Pursuant to 28 U.S.C. 791(c), each January the clerk of the court transmits to the U.S. Congress a report of the business of the court, which notes the names of the claimants, the nature of the claims, and their dispositions. Appendix Tables G-2A and G-2B provide summary data on the case filings in the Court of Federal Claims for the year ending September 30, 1999.